

Assembly Bill No. 504

Passed the Assembly September 3, 2009

Chief Clerk of the Assembly

Passed the Senate September 1, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 13515.45 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, Furutani. Peace officers: training.

Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice. Under existing law, the commission is required to develop and implement training programs for peace officers relative to certain areas of criminal law or procedure.

This bill would require the commission to create and make available to all law enforcement agencies training content on how to recognize and interact with persons carrying a kirpan, as specified. The bill would require that the training content include instruction on how arrests of Sikhs carrying a kirpan have historically been treated and the alternatives to those arrests and detentions that have successfully been used. This bill would define a kirpan as a blade that resembles a sword and is required to be carried as an integral part of the practice of the Sikh faith.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) The United States was founded on the core principles of religious freedom, diversity, and equality for all.

(b) Sikh Americans form a vibrant, peaceful, and law-abiding part of the United States community. California was one of the first places that Sikhs settled in this country over 100 years ago. Today, California is home to a large number of the nation's 500,000 Sikhs.

(c) Sikhs are mandated by their religion to keep five articles of faith on or as part of their person at all times. These articles of faith are physical manifestations and reminders of core Sikh spiritual values including honesty, remembering God, and providing service to humanity.

(d) The five Sikh articles of faith include the kirpan. A kirpan is a religious article resembling a sword, which is integral to the practice of the Sikh faith. The kirpan is carried in a shoulder strap known as a gatra, as mandated by the Sikh Code of Conduct. The kirpan acts as a constant reminder to its bearer of a Sikh's solemn duty to protect the weak and promote justice for all. The kirpan is also an allusion to spiritual knowledge that cuts through ignorance and sin.

(e) In the years since the attacks of September 11, 2001, Sikhs have experienced an unprecedented increase in arrests for carrying the kirpan.

(f) State and local resources are unnecessarily burdened when law enforcement officers detain law-abiding Sikhs for carrying a kirpan, when its possession is in accordance with their faith.

(g) It is the responsibility of the Legislature to protect religious freedoms, while ensuring public safety. Keeping those obligations in mind, it is the Legislature's goal to promote education and awareness of the carrying of the kirpan by Sikhs in California when its possession is in accordance with an integral part of the recognized religious practice of the person carrying it and there is a benign intent in carrying it.

SEC. 2. Section 13515.45 is added to the Penal Code, to read:

13515.45. (a) The commission shall, upon the next regularly scheduled update of training content relating to weapons violations and cultural diversity, create and add training content on how to recognize and interact with Sikhs possessing articles of faith, including a kirpan. The training content shall be designed for, and made available to, peace officers employed by law enforcement agencies that participate in training that complies with training standards set forth by the commission.

(b) For purposes of this section, "kirpan" means a blade that resembles a sword and is required to be carried as an integral part of the practice of the Sikh faith.

(c) The training content shall include instruction on how arrests of Sikhs carrying a kirpan have historically been treated by the criminal justice system in California, including the alternatives to arrest and detention that have been successfully used by law enforcement officers when contacting a Sikh carrying a kirpan with a benign intent and in accordance with an integral part of his or her recognized religious practice.

(d) The training content shall be developed by the commission in consultation with appropriate subject matter experts. The commission shall make the content available to California law enforcement agencies that participate in, and comply with, training standards set forth by the commission.

(e) In addition to the duties contained in subdivisions (a) and (d), the commission shall electronically distribute, as necessary, a training bulletin on the topic of the kirpan to law enforcement agencies participating in the commission's program.

Approved _____, 2009

Governor